



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*Response
Musa
10-24-02*

In re application of : Confirmation No. 4552
Birger ORTEN : Docket No. 2001_0201A
Serial No. 09/788,607 : Group Art Unit 2834
Filed August 2, 2001 : Examiner T. M. Dougherty

TWO-WAY MECHANO-ELECTRIC
TRANSDUCER

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

REQUEST FOR NEW OFFICE ACTION

Assistant Commissioner for Patents,
Washington, D.C.

Sir:

An Office Action dated October 8, 2002 was issued in the above-referenced U.S. patent application. Although the Office Action contained rejections of several claims under 35 USC §112, the Examiner has improperly closed prosecution as to the merits of the application under *Ex parte Quayle*, and has set forth a two month period for response.

Because it is improper to close prosecution under *Ex parte Quayle* when one or more of the pending claims have been *rejected*, the Examiner is respectfully requested to issue a new Office Action, including a three month period for response.

Respectfully submitted,

Birger ORTEN

By: _____

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